

INTRADEPARTMENTAL CORRESPONDENCE

September 29, 2020
3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER-INVOLVED SHOOTING, FID NO. 055-19

Honorable Members:

The following is my review, analysis, and findings for Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 055-19. A Use of Force Review Board (UOFRB) was convened on this matter on August 26, 2020. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On November 29, 2019, Officers [REDACTED], Serial No [REDACTED] and [REDACTED], Serial No. [REDACTED] Hollenbeck Area, Gang Enforcement Detail (GED), were in full uniform driving a marked black and white hybrid police vehicle. Officer [REDACTED] was the driver while Officer [REDACTED] was the front passenger. Officers [REDACTED] and [REDACTED] were wearing body worn video (BWV) devices mounted on their chests during the incident (**Additional/Equipment – Required Equipment**).

According to Officer [REDACTED] and Officer [REDACTED] were partners and had worked together for approximately one year. Officers [REDACTED] and [REDACTED] had been assigned Hollenbeck Area, GED for approximately *one year* and were assigned to the Krazy Ass Mexican (KAM) criminal street gang. Officers [REDACTED] and [REDACTED] had, on numerous occasions, discussed contact and cover, apprehension versus containment, and the establishment of perimeters. Officers [REDACTED] and [REDACTED] plans regarding communications depended *on contact and cover* roles wherein the cover officer would *maintain all communications*. Officer [REDACTED] frequently received updates on gang activity from senior officers, narcotics investigators, and officers within the Hollenbeck Area.

[REDACTED]

According to Officer [REDACTED], while assigned to Hollenbeck Area, GED [REDACTED] had previously contacted Nathan Tovar, a known KAM gang member with the moniker of “Grenas” or “Hencer”, and arrested him approximately one month prior for a probation violation. On the day [REDACTED] arrested Tovar for the probation violation, Officer [REDACTED] had contacted the Los Angeles County Probation Department and obtained Tovar’s conditions of formal probation, which included a waiver of his search and seizure rights, curfew restrictions, and prohibitions from congregating with other gang members.

According to Officer [REDACTED], approximately one week prior to November 29, 2019 [REDACTED] was notified by Detective [REDACTED], Serial No. [REDACTED], Hollenbeck Area, Narcotics Enforcement Detail (NED), that Tovar had been released from custody following an arrest for narcotics and possession of a handgun.

According to the FID investigation, Officers [REDACTED] and [REDACTED] were aware of various gang feuds involving the *KAM, Santillo, and Maravilla* criminal street gangs. Additionally, Officer [REDACTED] had knowledge of recent gang activity, which included a *homicide* where a KAM gang member was *killed*. Officers [REDACTED] and [REDACTED] also knew that KAM territory was listed on Hollenbeck Patrol *mission sheets*, which direct patrol officers to conduct extra police *presence* in high crime areas.

According to Officer [REDACTED] and Officer [REDACTED] drove *southbound on Fickett Street, passing Malabar Street* to provide extra *police presence* in that area. As Officer [REDACTED] drove southbound, they approached 621 Fickett Street, known as the *heart and soul* of KAM territory, where Officers [REDACTED] and [REDACTED] observed approximately *four to five* known KAM gang members within the courtyard of 621 Fickett Street. As they continued southbound, they approached an east-west alley, which was south of 621 Fickett Street. Officer [REDACTED] observed an individual walking east from the alley then north on the west sidewalk of Fickett Street. Officer [REDACTED] immediately recognized the person as Tovar and knew Tovar did not live at or near 621 Fickett Street.

According to Officer [REDACTED] and Officer [REDACTED] were travelling southbound on Fickett Street approaching the intersection of Malabar Street. As they were *pulling up to* 621 Fickett Street, Officer [REDACTED] observed *four to five gang members* in the courtyard of the apartment complex. Officer [REDACTED] stated, “Hey, there’s someone right there” and asked Officer [REDACTED] *to stop so that Officer [REDACTED] could make an observation*. As Officer [REDACTED] stopped the police vehicle, Officer [REDACTED] illuminated the individual with [REDACTED] *flashlight*, and identified the individual as *Grenas* (Tovar) and stated, “He’s running.” Officer [REDACTED] then exited their police vehicle and “gave chase” (**Debriefing Point No. 1 – Code Six**).

[REDACTED]

According to Officer [REDACTED] alerted Officer [REDACTED] that [REDACTED] observed Tovar and stated, "Hey, it's Grenas, he's running." Once Officer [REDACTED] alerted [REDACTED], Officer [REDACTED] stopped their police vehicle adjacent to the alley. Officer [REDACTED] exited the police vehicle and yelled at Tovar, telling him to *stop*. Tovar, approximately ten feet away from Officer [REDACTED], looked over at Officer [REDACTED] and immediately ran northbound on the west sidewalk of Fickett Street. Officer [REDACTED] yelled, "Grenas, stop" and in response Tovar replied, "fuck you" as Tovar continued to run northbound (**Additional Tactical Debrief Topics – Tactical Communications/Planning and Additional/Equipment –Body Worn Video**).

Note: The FID investigation revealed that although both Officers [REDACTED] and [REDACTED] had prior knowledge of Tovar and his conditions of probation, on the day of the incident, they were not actively looking for Tovar and did not intend on encountering him.

According to Officer [REDACTED] observed Tovar run westbound from Fickett Street onto Malabar Street using the west sidewalk. Officer [REDACTED] followed but took a *wide turn* onto Malabar Street *while running*. As he did so, Officer [REDACTED] used *the middle of the street to create distance and cover*. Officer [REDACTED] utilized the cars parked along the south curb as cover. Officer [REDACTED] believed [REDACTED] best course for safety purposes, was to avoid rounding the corner as Tovar had done. Officer [REDACTED] heard the tires of their police vehicle *squealing* and knew Officer [REDACTED] was following behind [REDACTED] in their police vehicle. Officer [REDACTED] was in *apprehension mode* (**Debriefing Point No. 2 – Utilization of Cover and Additional Tactical Debrief Topics – Foot Pursuit Broadcast**).

According to Officer [REDACTED], once Officer [REDACTED] stepped out of their police vehicle, Officer [REDACTED] began running. Initially, Officer [REDACTED] did not see Tovar and did not know what *direction* [REDACTED] was running because [REDACTED] did not see him in front of [REDACTED] police vehicle. Officer [REDACTED] came to the conclusion that Tovar ran northbound. Officer [REDACTED] remained inside [REDACTED] police vehicle and drove in reverse, in a north direction. Officer [REDACTED] remained in [REDACTED] police vehicle because of other *gangsters hanging out at 621 and 625 Fickett Street*. Officer [REDACTED] believed leaving [REDACTED] police vehicle in front of the location and following Officer [REDACTED] on foot would have led to the possibility of a *gang mob* gathering around [REDACTED] police vehicle. Additionally, Officer [REDACTED] believed staying in [REDACTED] vehicle allowed [REDACTED] the ability to *catch up* to Officer [REDACTED] or to *close off the other side of the block to contain Tovar* (**Additional/Equipment – Body Worn Video**).

While driving in reverse, Officer [REDACTED] maintained a visual on [REDACTED] partner, Officer [REDACTED], by looking back through the rear window of the police vehicle. From this position, [REDACTED] was able to see Officer [REDACTED] run northbound Fickett Street. Officer [REDACTED] also maintained an awareness for vehicle traffic as [REDACTED] approached the intersection at Malabar Street. As Officer [REDACTED] observed Officer [REDACTED] *run from northbound Fickett Street to westbound on Malabar Street*, [REDACTED] followed [REDACTED] partner by negotiating an *L-turn*, reversing into Malabar Street and then driving forward westbound on Malabar Street (**Additional Tactical Debrief Topic – Separation/Foot Pursuit Tactics**).

According to Officer [REDACTED], as [REDACTED] ran after Tovar in a westerly direction on Malabar Street, [REDACTED] observed Tovar stop and make *eye contact* with him. Officer [REDACTED] observed Tovar reach into his *waistband* and produce a *black object in his hand*. Officer [REDACTED] *heard gunshots* and observed *muzzle flashes*. Officer [REDACTED] realized [REDACTED] *was being shot at* by Tovar and had *got hit by a gunshot*. Officer [REDACTED] *felt immense pain* and could not use his left arm. Officer [REDACTED] utilized [REDACTED] right hand to draw [REDACTED] service pistol from the holster on the right side of [REDACTED] duty belt (**Drawing/Exhibiting – 1st Occurrence**).

Note: The FID investigation revealed Tovar fired three rounds from [REDACTED] handgun in the direction of Officer [REDACTED].

According to the FID investigation, Officer [REDACTED] ran a total distance of 280 feet in approximately 16 seconds. During the entirety of that distance, Officer [REDACTED] was seated and driving in [REDACTED] police vehicle. From the time Officer [REDACTED] stopped [REDACTED] police vehicle on Fickett Street and Officer [REDACTED] exiting the police vehicle and running after Tovar, to the point that Officer [REDACTED] stopped [REDACTED] vehicle on Malabar Street to approach an already shot and fallen Officer [REDACTED], approximately twenty seconds had elapsed.

According to Officer [REDACTED] felt a lot of blood and wanted to make Tovar stop shooting at [REDACTED]. Officer [REDACTED] saw Tovar's face and *acquired a target* of Tovar's *center body mass*. Officer [REDACTED] *acquired a shooting stance* and with his right hand, *punched out* [REDACTED] service pistol. Due to the injury to [REDACTED] left arm, Officer [REDACTED] utilized a standing one-hand firing position using [REDACTED] right hand to return fire at Tovar. Officer [REDACTED] fired approximately *three to four rounds* from [REDACTED] service pistol in a *consecutive* manner, from an approximate distance of *thirty to forty feet*, while assessing *between rounds* (**Lethal Force**).

Note: The FID investigation revealed Officer [REDACTED] fired 5 rounds with [REDACTED] service pistol and Tovar sustained no injuries as a result of Officer [REDACTED] gunfire.

According to Officer [REDACTED] heard *two to three* gunshots while in [REDACTED] police vehicle. Officer [REDACTED] became *concerned* because [REDACTED] did not know from where the shots had come from. As [REDACTED] began to drive westbound on Malabar Street, Officer [REDACTED] *immediately* observed Officer [REDACTED] *return fire* with [REDACTED] service pistol, in a southwesterly direction. Officer [REDACTED] observed Officer [REDACTED] take approximately *two or three steps* after firing on the move. Officer [REDACTED] *immediately* stopped [REDACTED] police vehicle and observed Officer [REDACTED] fall to the ground. Officer [REDACTED] believed Officer [REDACTED] had been *shot in the leg* based on the way he fell.

Note: The FID investigation revealed Officer [REDACTED] did not observe Officer [REDACTED] service pistol as Officer [REDACTED] fired. Additionally, the investigation revealed that Officer [REDACTED] was 109 feet away from Officer [REDACTED] at the time Officer [REDACTED] maneuvered the police vehicle from northbound Fickett Street to westbound Malabar Street.

According to Officer [REDACTED], after stopping and exiting [REDACTED] police vehicle [REDACTED] utilized [REDACTED] hand held police radio to make [REDACTED] first broadcast which was a help call [REDACTED]

According to the FID investigation, Officer [REDACTED] broadcast, "Shots fired! Shots fired! Officer needs help! Malabar and Fickett."

As Officer [REDACTED] got closer to Officer [REDACTED] drew [REDACTED] service pistol to provide cover for Officer [REDACTED]. Officer [REDACTED] approached Officer [REDACTED] while trying to *pan from left to right, as far as the south side all the way to the southwest side of the street* to see if Tovar had a *position of advantage to ambush* them. Officer [REDACTED] asked Officer [REDACTED] if [REDACTED] knew where Tovar was located. Officer [REDACTED] indicated Tovar went in a westerly direction. Officer [REDACTED] then heard a sound coming from a southwest direction. Officer [REDACTED] utilized a *Harries technique* with [REDACTED] flashlight to illuminate the sidewalk. Officer [REDACTED] approached the southwest curb and observed Tovar lying on the ground (**Drawing/Exhibiting**). [REDACTED]

According to Officer [REDACTED] observed Tovar lying in an *awkward* position, with the side of [REDACTED] body partially leaning on a *small wall*. [REDACTED] Officer [REDACTED] observed a black handgun, which appeared to be a *Glock brand handgun*, on the sidewalk, approximately three to four feet away from Tovar's reach. [REDACTED] Officer [REDACTED] continually assessed the situation by watching Tovar and periodically looking back at Officer [REDACTED]. Officer [REDACTED] took a *position of advantage*, by stepping onto the south sidewalk, to get a clear view of Tovar. Officer [REDACTED] utilized [REDACTED] right thumb to pull back the hammer of [REDACTED] double action service pistol and cocked it in the event Tovar got *up quickly* and Officer [REDACTED] needed to be ready to take one *precise shot* (**Debriefing Point No. 2 – Utilization of Cover and Additional/Equipment – Profanity**). [REDACTED]

The FID investigation revealed Officer [REDACTED] activated [REDACTED] BWV at this point and broadcast the following to Communications Division (CD) over the Hollenbeck Base Frequency, "Four George-12, officer down! I got the suspect. It's going to be on Malabar, just west of Fickett. Have units respond either direction on Malabar from Soto or Fickett." [REDACTED]

The FID investigation revealed the following personnel responded to the help call: Lieutenant [REDACTED], Serial No. [REDACTED], Hollenbeck Patrol Division, Watch Commander, Sergeants [REDACTED], Serial No. [REDACTED], [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Hollenbeck Area, GED, Sergeants [REDACTED], Serial No. [REDACTED], and [REDACTED], Serial No. [REDACTED] Hollenbeck Patrol Division, Sergeants [REDACTED], Serial No. [REDACTED] and [REDACTED]

[REDACTED]

[REDACTED], Serial No. [REDACTED] Northeast Patrol Division, Officers [REDACTED] Serial No. [REDACTED]
[REDACTED], Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED]
[REDACTED] Serial No. [REDACTED], Serial No. [REDACTED], Serial No. [REDACTED]
[REDACTED], Serial No. [REDACTED], Serial No. [REDACTED] Hollenbeck Area, GED,
Officers [REDACTED] Serial No. [REDACTED], Serial No. [REDACTED]
Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED]
Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED]
Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED]
Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Hollenbeck Patrol Division, Officers [REDACTED]
Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Rampart Patrol Division,
Officers [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED]
[REDACTED], Serial No. [REDACTED] Serial No. [REDACTED], and [REDACTED] Serial No. [REDACTED]
Northeast Patrol Division, Officers [REDACTED], Serial No. [REDACTED] Serial No. [REDACTED]
[REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED]
Central Patrol Division and Officer [REDACTED] Serial No. [REDACTED], Newton Patrol Division.

According to Officer [REDACTED] was laying on [REDACTED] back in the middle of Malabar Street. After falling, Officer [REDACTED] activated [REDACTED] BWV device. As Officer [REDACTED] left [REDACTED] to approach Tovar, Officer [REDACTED] observed a large *crowd* forming. Officer [REDACTED] vision was *blurry* but believed [REDACTED] observed approximately 20 people in the crowd. Officer [REDACTED] believed the *group* had come from a known gang residence on Malabar Street. Officer [REDACTED] felt threatened as [REDACTED] was unsure if the group intended to *attack* [REDACTED] and *execute* [REDACTED] as [REDACTED] laid on the ground. Officer [REDACTED] drew [REDACTED] service pistol again, holding it at a *low ready*, and ordered the group to get back (**Drawing/Exhibiting – 2nd Occurrence and Additional/Equipment – Profanity**).

The FID investigation revealed Officers [REDACTED] and [REDACTED] arrived and joined Officer [REDACTED] as [REDACTED] maintained [REDACTED] position on the south sidewalk of Malabar Street.

According to Officer [REDACTED], after [REDACTED] and Officer [REDACTED] arrived together at scene [REDACTED] was unaware if it was still an active tactical situation and was unsure if there were additional suspects nearby. Officer [REDACTED] knew there had already been *shots fired at an officer* who had already been *hit* by the gunfire. Officer [REDACTED] drew [REDACTED] service pistol, holding it in a *two-hand low ready* with his finger along the frame (**Drawing/Exhibiting**).

According to Officer [REDACTED] exited [REDACTED] police vehicle and, knowing the suspect was *not in custody yet* and an officer had been fired upon, believed another shooting incident could have occurred and other officers or citizens on the street could be *hurt*. Officer [REDACTED] drew [REDACTED] service pistol. Officer [REDACTED] observed Officers [REDACTED] and [REDACTED] with their service pistols drawn. Officer [REDACTED] determined [REDACTED] did not need to remain drawn and therefore holstered [REDACTED] service pistol and walked to Officer [REDACTED] location (**Drawing/Exhibiting**).

The FID investigation revealed Officers [REDACTED] and [REDACTED] arrived, and, with Officer [REDACTED] approached Officer [REDACTED] to assess [REDACTED] condition. Officer [REDACTED] began applying a tourniquet to Officer [REDACTED] left arm. However, prior to completing the

application, Officer [REDACTED] entered the back seat of Officers [REDACTED] and [REDACTED] police vehicle for transport to Los Angeles County, University of Southern California Medical Center (LAC+USC Medical Center).

According to Officer [REDACTED] upon arrival to the scene [REDACTED] observed Officer [REDACTED] being carried by Officers [REDACTED] and [REDACTED]. Officer [REDACTED] observed Officer [REDACTED] bleeding from a wound to [REDACTED] left arm. Officer [REDACTED] was unsure if Officer [REDACTED] injury was a *flesh wound* or *arterial bleeding* and given their close proximity to LAC+USC Medical Center the decision was made that he and Officer [REDACTED] should transport Officer [REDACTED] to the hospital for medical treatment.

According to Sergeant [REDACTED] was at the Hollenbeck Patrol Division, Community Police Station (CPS), when [REDACTED] heard the shots fired call and ran to [REDACTED] patrol vehicle in the parking lot. Sergeant [REDACTED] waited for Sergeant [REDACTED] to enter [REDACTED] police vehicle before responding to the OIS location with [REDACTED]. While driving, Sergeant [REDACTED] began formulating a plan with Sergeant [REDACTED]. Sergeant [REDACTED] was going over the *administrative and tactical portion* of their *responsibilities* and brought up *separation*, getting the involved officer's Public Safety Statements (PSS), and getting medical treatment for wounded officers. Upon arrival, Sergeant [REDACTED] verified that Officer [REDACTED] was being transported immediately to a medical facility. Sergeant [REDACTED] observed officers at a *low-ready* with their service pistols as they monitored Tovar.

According to the FID investigation, at 1914 hours, Sergeant [REDACTED] broadcast to CD [REDACTED] was the Incident Commander (IC).

While at scene, Sergeant [REDACTED] observed Officer [REDACTED] *bend down* and pick up Tovar's handgun. Sergeant [REDACTED] immediately ordered Officer [REDACTED] to not touch the handgun and to stand guard over it.

Note: The FID investigation revealed that in response to Sergeant [REDACTED] direction, Officer [REDACTED] returned the suspect's firearm to the approximate location from where [REDACTED] picked it up. This was captured on BWV.

Sergeant [REDACTED] observed Tovar on [REDACTED] *left side*, lying on the *sidewalk*, with [REDACTED] *right side* elevated against a *small wall or gate*. Tovar's hands were up around his *head area* and Tovar was not holding anything in his hands. Sergeant [REDACTED] ordered the officers to have Tovar roll onto his stomach before they approached him. Sergeant [REDACTED] assigned Officers [REDACTED], [REDACTED], [REDACTED] the arrest team. Sergeant [REDACTED] directed Sergeant [REDACTED] to separate, monitor, and to take a Public Safety Statement (PSS), from Officer [REDACTED]. Sergeant [REDACTED] ordered Sergeant [REDACTED] to respond to LAC+USC Medical Center to take a PSS from Officer [REDACTED]. Sergeant [REDACTED] then began establishing a Command Post (CP) and directed Sergeant [REDACTED] to act as the operations officer at the CP. Sergeant [REDACTED] verified there were no outstanding suspects and with the assistance of Sergeant [REDACTED] directed uninvolved officers to establish an inner and outer crime scene (**Additional/Equipment – Preservation of Evidence and Body Worn Video**).

According to Sergeant [REDACTED] directed officers to canvass and check the surrounding area for victims and witnesses. Additionally, Sergeant [REDACTED] began establishing *an inner perimeter, where the OIS occurred, and then an outside perimeter.*

According to Officer [REDACTED] maintained his position on the south sidewalk of Malabar Street and monitored Tovar until Officers [REDACTED] and [REDACTED], along with additional units arrived, and an *arrest team* was formed. As soon as Officer [REDACTED] felt [REDACTED] had enough officers for an arrest team, Officer [REDACTED] began [REDACTED] approach with Officers [REDACTED] and [REDACTED] to take Tovar into custody. Officer [REDACTED] ordered Tovar to get onto his stomach, but Tovar did not comply. Officer [REDACTED] holstered [REDACTED] service pistol and approached Tovar to handcuff him. Officer [REDACTED] knelt and placed [REDACTED] *left knee* on Tovar's *upper back* while [REDACTED] right knee was on Tovar's upper shoulder blade. Officer [REDACTED] utilized a firm grip with both hands to take hold of Tovar's right arm and move his arm and body off the wall. Officer [REDACTED] utilized a firm grip on Tovar's right wrist, with both hands, and placed it behind Tovar's back. Officer [REDACTED] applied a handcuff with his right hand onto Tovar's right wrist (**Non-Lethal Use of Force**).

According to the FID investigation, Officer [REDACTED] BWV captured Officer [REDACTED] right hand on the adjacent wall while [REDACTED] right leg was extended behind him. After 15 seconds of physical contact with Tovar, Officer [REDACTED] BWV showed Officer [REDACTED] with [REDACTED] left shin across the right side of Tovar's face. Tovar can be heard on BWV complaining of pain to his arm. Officer [REDACTED] had physical contact with Tovar for approximately thirty seconds.

According to Officer [REDACTED] observed Officer [REDACTED] *struggling* to take Tovar into custody. Officer [REDACTED] utilized *bodyweight* and placed his knees on Tovar's lower back. Officer [REDACTED] utilized a firm grip with [REDACTED] left hand to grab Tovar's left hand. Officer [REDACTED] brought Tovar's left hand to the handcuffs being applied by Officer [REDACTED] (**Non-Lethal Use of Force**).

According to Officer [REDACTED] utilized [REDACTED] *bodyweight* and placed [REDACTED] right, *lower leg* onto Tovar's lower legs. Officer [REDACTED] began searching Tovar's waistband for additional weapons. Tovar was then placed in a seated position (**Non-Lethal Use of Force and Additional/Equipment – Profanity**).

According to Sergeant [REDACTED] while Tovar was being taken into custody, [REDACTED] directed [REDACTED] attention to the south sidewalk to look for additional suspects. After determining there were no additional suspects, Sergeant [REDACTED] returned to Officer [REDACTED] location to separate and monitor him. After Officer [REDACTED] completed handcuffing Tovar, Sergeant [REDACTED] separated Officer [REDACTED] and walked him approximately twenty feet away from where Tovar was taken into custody. Sergeant [REDACTED] took Officer [REDACTED] BWV, powered it off, and proceeded to admonish and take Officer [REDACTED] PSS (**Additional/Equipment – Body Worn Video**).

[REDACTED]

According to Sergeant [REDACTED] was unsure if Officers [REDACTED], [REDACTED], and [REDACTED] had a problem handcuffing Tovar. Sergeant [REDACTED] stated the area where Tovar was being taken into custody was dark making it difficult for [REDACTED] to see and [REDACTED] did not think the officers were *involved in a use of force*.

According to Officer [REDACTED], Tovar was assisted to his feet and walked over to a nearby police vehicle. Officer [REDACTED] observed an *abrasion* on Tovar's forehead, but did not know how Tovar sustained the injury. Tovar began putting his feet together as Officers [REDACTED] and [REDACTED] were searching him a second time, prior to placing Tovar in the backseat of the police vehicle. Officer [REDACTED] ordered Tovar to keep his legs apart as [REDACTED] conducted [REDACTED] search. Tovar continued to place his feet together. Officer [REDACTED] placed [REDACTED] left leg in between Tovar's legs to prevent him from placing his feet together again. While doing so, Officer [REDACTED] accidentally stepped on Tovar's foot (**Additional/Equipment – Requesting Rescue Ambulance and Searches of Arrestees**).

The FID investigation revealed when Officer [REDACTED] arrived at LAC+USC Medical Center, medical staff told Officer [REDACTED] that Officer [REDACTED] service pistol and equipment had to be removed. Officer [REDACTED] removed Officer [REDACTED] service pistol from its holster. Without manipulating the service pistol, Officer [REDACTED] handed the service pistol to Officer [REDACTED] who secured Officer [REDACTED] pistol inside [REDACTED] police vehicle's trunk.

The FID investigation revealed Officer [REDACTED] placed Tovar in the rear seat of Officers [REDACTED] and [REDACTED] police vehicle. Officers [REDACTED] and [REDACTED] transported Tovar to Hollenbeck CPS and completed [REDACTED] pre-booking. Subsequently, Tovar was booked for the attempted murder of a peace officer.

Sergeant [REDACTED] monitored and separated Sergeant [REDACTED] (**Additional/Equipment – Body Worn Video**).

Sergeant [REDACTED], Serial No [REDACTED], Hollenbeck Patrol Division, Assistant Watch Commander, notified the Department Operations Center (DOC), of the Categorical Use of Force at 1937 hours.

Lieutenant [REDACTED] responded to the scene from Hollenbeck CPS after hearing the help call and declared [REDACTED] as the IC over Hollenbeck Base Frequency. Lieutenant [REDACTED] shadowed Sergeant [REDACTED] and, in between Sergeant [REDACTED] broadcasts, Lieutenant [REDACTED] asked [REDACTED] which officers were involved in the OIS to gather additional details. Lieutenant [REDACTED] observed an unruly crowd forming nearby and assigned officers to the outer perimeter to ensure the crowd did not tamper with evidence. Lieutenant [REDACTED] assigned Detective [REDACTED], Serial No [REDACTED] Hollenbeck Detective Division, and Sergeant [REDACTED] to assist with the setup and management the CP. Lieutenant [REDACTED] tasked Sergeant [REDACTED] with canvassing the location to identify witnesses. Lieutenant [REDACTED] determined the general direction of Officer [REDACTED] and Tovar's respective backgrounds and bullet paths from their shooting positions.

[REDACTED]

Lieutenant [REDACTED] directed officers to canvass the area to ensure there were no other shooting victims. Lieutenant [REDACTED] maintained telephonic communication with Sergeant [REDACTED] to relay pertinent information.

Sergeant [REDACTED] Serial No. [REDACTED], Hollenbeck Patrol Division, responded from Hollenbeck CPS and arrived at the CP. Lieutenant [REDACTED] directed Sergeant [REDACTED] to monitor and separate Officers [REDACTED] and [REDACTED]. Sergeant [REDACTED] transported Officers [REDACTED] and [REDACTED] to Hollenbeck CPS and after arriving at Hollenbeck CPS [REDACTED] continued to monitor Officers [REDACTED] and [REDACTED]. Sergeant [REDACTED] additionally took over monitoring Officers [REDACTED] and [REDACTED].

Sergeant [REDACTED] Serial No. [REDACTED] Hollenbeck Area, GED, responded to the location from Hollenbeck CPS after hearing the help call broadcast. Sergeant [REDACTED] arrived and met with Sergeant [REDACTED] who directed [REDACTED] to respond to LAC+USC Medical Center to take Officer [REDACTED] PSS. Sergeant [REDACTED] responded to the hospital and met with Officer [REDACTED] who provided Sergeant [REDACTED] with Officer [REDACTED] BWV device. Sergeant [REDACTED] took Officer [REDACTED] PSS and admonished Officer [REDACTED] not to discuss the incident and ensured [REDACTED] was monitored and separated from other officers.

FINDINGS

Tactics – Administrative Disapproval. Officers [REDACTED] and [REDACTED]. Tactical Debrief, Sergeants [REDACTED] and [REDACTED], Officers [REDACTED] and [REDACTED].

Non-Lethal Use of Force – In Policy, No Further Action, Officers [REDACTED], [REDACTED], and [REDACTED].

Drawing/Exhibiting – In Policy, No Further Action, Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

Lethal Use of Force – In Policy, No Further Action, Officer [REDACTED].

ANALYSIS

Detention

Officers [REDACTED] and [REDACTED] were assigned to Hollenbeck Area, Gang Enforcement Detail and were aware of recent gang feuds between KAM, Santillo Boys, and Maravilla gang members. Additionally, Officers [REDACTED] and [REDACTED] knew of a recent homicide in which a KAM gang member had been killed in KAM territory. Officers [REDACTED] and [REDACTED] were provided information on Nathan Tovar, a KAM gang member who had been released from jail

[REDACTED]

after being placed under arrest for selling narcotics and possession of a handgun. Officer [REDACTED] knew Tovar had conditions of probation, which included search and seizure as well as restrictions on curfew and congregating with other gang members. Officers [REDACTED] and [REDACTED] had been directed to provide extra police presence in the KAM area.

Officers [REDACTED] and [REDACTED] drove to the known KAM territory of Fickett Street and Malabar Street. While driving southbound on Fickett Street they passed an apartment complex at 621 Fickett Street, which was known for gang activity, and observed five KAM gang members in the courtyard within the complex. Officer [REDACTED] continued driving south on Fickett Street and as they passed the east/west alley, south of the apartment complex, Officer [REDACTED] observed Tovar exiting the alley and approaching the west sidewalk of Fickett Street. Officer [REDACTED] alerted Officer [REDACTED] who, in response, stopped their police vehicle. Officer [REDACTED] exited the police vehicle and ordered Tovar to stop. Officer [REDACTED] intended to conduct a pedestrian stop on Tovar due to his knowledge of Tovar's search conditions.

Officer [REDACTED] observed Tovar look over at [REDACTED] and immediately run northbound on the west sidewalk of Fickett Street, toward Malabar Street. Officer [REDACTED] pursued after Tovar as Officer [REDACTED] followed them from within [REDACTED] police vehicle, driving in reverse to follow Officer [REDACTED]. Officer [REDACTED] observed Tovar turn westbound onto Malabar Street and continued in foot pursuit of him. Officer [REDACTED] observed Tovar stop and face him. Tovar produced a handgun and fired at Officer [REDACTED], striking [REDACTED] in the left arm. Officer [REDACTED] returned fire and fell to the ground. Officer [REDACTED] turned west onto Malabar Street and observed Officer [REDACTED] on the ground. Officer [REDACTED] drove to Officer [REDACTED], stopped [REDACTED] police vehicle and exited. Officer [REDACTED] approached Officer [REDACTED] and began looking around for Tovar. Officer [REDACTED] heard a noise south of [REDACTED] and walked toward the sound of the noise. Officer [REDACTED] observed Tovar lying on the south sidewalk on his left side with his hands above his head. Officer [REDACTED] observed a handgun on the ground next to Tovar. Officer [REDACTED] broadcast a help call and waited for responding units to arrive. Officer [REDACTED], along with Officers [REDACTED] and [REDACTED] took Tovar into custody and placed him under arrest.

TACTICS

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers [REDACTED] and [REDACTED] had worked together for approximately one year and, during that time, had discussed tactical plans for different types of scenarios. Officers [REDACTED] and [REDACTED] discussed apprehension mode and containment mode, as well as setting up perimeters when in containment mode. Officers [REDACTED] and [REDACTED] discussed transporting themselves to a hospital if they were injured while on duty. Officers [REDACTED] and [REDACTED] discussed crime trends, recent homicides, and gang activity. They also discussed Tovar's formal probation status, conditions of his probation, and prior criminal history.

Officers [REDACTED] and [REDACTED], prior to start of watch, discussed a plan of who would be driving and who would be contact and cover. They determined the passenger who would be cover and the driver would be contact.

Sergeants [REDACTED] and [REDACTED] responded to the help call, in the same vehicle, and discussed the administrative and tactical portions of their responsibilities. Sergeant [REDACTED] discussed separating the involved officers to obtain their Public Safety Statements and getting medical treatment for wounded officers once at scene. After arriving, Sergeant [REDACTED] ordered Officers [REDACTED], [REDACTED], and [REDACTED] to ensure Tovar was on his stomach before they approached him to take him into custody.

Officers [REDACTED] and [REDACTED] arrived at the OIS location and went to assist Officer [REDACTED], who was monitoring Tovar. Officers [REDACTED], [REDACTED], and [REDACTED] formulated a plan and determined Officer [REDACTED] would handcuff while Officers [REDACTED] and [REDACTED] would gain control of Tovar's arms initially.

Sergeant [REDACTED] began assigning sergeants to monitor the involved officers, obtain the officers' PSS, and began setting up the CP location.

Assessment – Prior to the OIS, Officers [REDACTED] and [REDACTED] began driving down Fickett Street, from Malabar Street, and observed five KAM gang members at 621 Fickett Street. Assessing [REDACTED] surroundings led to Officer [REDACTED] identifying Tovar exiting the alley. Shortly after, Officer [REDACTED], while in foot pursuit of Tovar, began approaching Malabar Street and assessed [REDACTED] positioning in relation to Tovar, making a wide turn onto Malabar Street to prevent placing [REDACTED] in a disadvantageous position. After Officer [REDACTED] was fired upon by Tovar and struck, Officer [REDACTED] arrived and approached Officer [REDACTED]. Unable to see Tovar, Officer [REDACTED] assessed [REDACTED] surroundings and heard a noise south of [REDACTED] location, which led [REDACTED] to locate Tovar lying on the south sidewalk of Malabar Street. While on the ground, Officer [REDACTED] continued to assess and observed a crowd approaching [REDACTED]. Officer [REDACTED] effectively ordered the crowd to stay back.

Sergeants [REDACTED] and [REDACTED] exited their vehicle upon their arrival and immediately assessed the scene. When doing so, Sergeant [REDACTED] observed Officer [REDACTED] bend down and pick up Tovar's handgun. Sergeant [REDACTED] immediately ordered Officer [REDACTED] to not touch the handgun. BWV at the scene captured Officer [REDACTED] replacing Tovar's handgun to the approximate location where she picked it up.

Sergeant [REDACTED] began looking for additional suspects. While Sergeant [REDACTED] was talking to Officer [REDACTED], Sergeant [REDACTED] walked over to Officer [REDACTED] and ensured an arrest team was in place.

Time – Officer [REDACTED] monitored Tovar as [REDACTED] waited for responding units to arrive. When the responding units arrived, Officer [REDACTED] reminded officers to wait until a full arrest team was formed. Officers again urged Officer [REDACTED] to take Tovar into custody. However, Officer [REDACTED] again reminded [REDACTED] fellow officers that they could wait longer. Officer [REDACTED] waited for the formation of a full arrest team, then made [REDACTED] approach to take Tovar into custody.

Sergeants [REDACTED] and [REDACTED] utilized the time it took for them to drive from Hollenbeck station to the OIS location and planned for the administrative portion of the incident as well as the tactical aspect.

Redeployment and/or Containment – Officer [REDACTED] stated [REDACTED] was unaware of Tovar possessing a handgun and was therefore in apprehension mode. Officer [REDACTED] chose to redeploy from within [REDACTED] vehicle by reversing in the direction of Officer [REDACTED] to maintain a line of sight. Officer [REDACTED] stated [REDACTED] did not want to leave [REDACTED] vehicle in front of the gang location of 621 Fickett Street due to vehicle damage or a mob coming after them.

Following the OIS and assessing his partner, Officer [REDACTED] advanced on Tovar and maintained a position of advantage by utilizing cover behind a Chevrolet sport utility vehicle parked along the south curb.

Other Resources – Officers [REDACTED] and [REDACTED] attempted to engage Tovar without coordinating with other units.

Officer [REDACTED] waited for additional units to respond before taking Tovar into custody.

Sergeant [REDACTED] utilized responding supervisors and assigned them each to an officer involved in the OIS.

Lines of Communication – Officer [REDACTED] communicated with Officer [REDACTED] about seeing Tovar exiting the alley. However, the officers did not communicate their Code Six location prior to initiating contact with Tovar. Following the OIS, Officer [REDACTED] utilized [REDACTED] handheld police radio to put out a help call and Tovar's location.

With additional officer at scene, the officers coordinated their actions by communicating with each other. Specifically, Officer [REDACTED] communicated with Officers [REDACTED] and [REDACTED] while taking Tovar into custody how to position Tovar's body and to straighten his legs.

Sergeant [REDACTED] immediately began communicating with officers once [REDACTED] arrived at the OIS location. Sergeant [REDACTED] ordered Officer [REDACTED] to preserve evidence by monitoring Tovar's handgun. Sergeant [REDACTED] also ordered the officers to not approach Tovar until he was safe to approach. When Sergeant [REDACTED] was unsure if the officers heard [REDACTED], [REDACTED] ordered Tovar to roll onto his stomach. Sergeant [REDACTED] also announced [REDACTED] as IC via Communications Division.

The UOFRB noted Officers [REDACTED] and [REDACTED] plan, prior to their shift, showed thorough communication with each other regarding contact, cover, and radio communications. Officer [REDACTED] quick use of [REDACTED] police radio to broadcast information on the OIS, their location, Officer [REDACTED] condition, and Tovar's location ensured that the responding units had the necessary information needed to safely and effectively respond to their location. Officer [REDACTED] immediately observed a handgun next to Tovar and held [REDACTED] position until backup units arrived.

The UOFRB also noted Officer [REDACTED]'s method of redeployment which caused unnecessary separation between the officers. Officer [REDACTED] remained in [REDACTED] vehicle over concern that gang members from 621 Fickett Street might damage their police vehicle were [REDACTED] to leave their vehicle in front of the location and get out on foot to maintain a close distance to Officer [REDACTED].

Additionally, the UOFRB noted Officers [REDACTED] and [REDACTED] knowledge of KAM gang members and, specifically, Tovar, his recent release and subsequent probation conditions permitting search and seizure. Despite these facts, Officers [REDACTED] and [REDACTED] failed to create a plan in the event they contacted Tovar. The UOFRB noted Officer [REDACTED]'s statement in which [REDACTED] acknowledged that [REDACTED] and Officer [REDACTED] did not plan to stop Tovar.

Additionally, upon seeing Tovar, Officers [REDACTED] and [REDACTED] did not utilize time to their advantage and instead, Officer [REDACTED] reacted to Tovar by chasing after him, leaving Officer [REDACTED] without advising [REDACTED]. Officer [REDACTED] actions had a domino effect resulting in Officers [REDACTED] and [REDACTED] being separated and eventually, Officer [REDACTED] being alone with Tovar. Additionally, Officer [REDACTED] was at such a great distance from Officer [REDACTED] that [REDACTED] was not able to tactically engage with Tovar at the time Tovar shot at Officer [REDACTED].

The UOFRB noted Sergeants [REDACTED] and [REDACTED] effective communication with each other while enroute to the OIS.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Code Six (Substantial Deviation, Without Justification – Officers [REDACTED] and [REDACTED])

Officers [REDACTED] and [REDACTED] verified Tovar was on formal probation, with search conditions, prior to the beginning of their shift. [REDACTED] During their shift, Officers [REDACTED] and [REDACTED] drove past a documented KAM gang apartment building and observed four to five gang members in the courtyard. After passing the apartment building, they continued driving southbound on Fickett Street and approached an east/west alley, just south of the apartment building. Tovar exited the alley, walking eastbound, and approached the west sidewalk of Fickett Street. Officer [REDACTED] observed Tovar exiting the alley and notified Officer [REDACTED] of [REDACTED] observation. Officer [REDACTED] stopped [REDACTED] vehicle and Officer [REDACTED] exited. Officer [REDACTED] stated [REDACTED] planned to conduct a pedestrian stop on Tovar because he was prohibited from congregating with gang members, as part of his probation conditions.

Neither Officer [REDACTED] nor Officer [REDACTED] broadcast their activity (pedestrian stop) to CD and did not broadcast their Code Six location.

In this incident, Officers [REDACTED] and [REDACTED] were driving in a known gang area towards a known gang location of 621 Fickett Street. Officers [REDACTED] and [REDACTED] had knowledge of Tovar's probation status and conditions. Although the officers were not specifically going to the location to conduct a stop on Tovar, officers are required to broadcast their Code Six location prior to initiating enforcement actions such as a pedestrian stop. Officer [REDACTED], upon observing Tovar, did not broadcast their Code Six location. Additionally, Officer [REDACTED] stepped out of [REDACTED] vehicle and verbally engaged with Tovar. Officer [REDACTED] stated [REDACTED] intended to stop Tovar at that point. Officer [REDACTED] did not broadcast a pedestrian stop. Officer [REDACTED] then engaged Tovar in a foot pursuit and did not broadcast [REDACTED] engagement at that point either.

[REDACTED]

The UOFRB noted that prior to initiating contact with Tovar, there were no circumstances creating an exigency. The lack of exigency provided Officers [REDACTED] and [REDACTED] ample time to place themselves Code Six upon Officer [REDACTED] observation of Tovar and prior to Officer [REDACTED] exiting [REDACTED] police vehicle. Additionally, the expectation for officers engaging in foot pursuit is a broadcast to notify Communications Division of the tactical situation as well as direction of travel and suspect description.

The UOFRB also noted Officer [REDACTED] reason for not being able to broadcast their Code Six location or the foot pursuit. Due to Officer [REDACTED] following Officer [REDACTED] from inside their police vehicle, [REDACTED] stated [REDACTED] could not broadcast due to driving (in reverse initially) and watching partner, Officer [REDACTED], simultaneously. Alternatively, if Officer [REDACTED] had got out on foot and followed Officer [REDACTED], [REDACTED] would have been able to broadcast their Code Six location, the foot pursuit, and a suspect description and their direction of travel.

Based on the totality of the circumstances, I have determined that Officers [REDACTED] and [REDACTED] actions were a substantial deviation, without justification, from approved Department tactical training. In an effort to enhance their future tactical performance, I will direct that this topic be discussed during the Tactical Debrief.

Debriefing Point No. 2 Utilization of Cover (Substantial Deviation, Without Justification – Officers [REDACTED] and [REDACTED])

Officer [REDACTED] engaged in a foot pursuit to apprehend Tovar. When Officer [REDACTED] ran west onto Malabar Street from Fickett Street, [REDACTED] stated [REDACTED] was running down the middle of the street to create distance between [REDACTED] and Tovar. However, as Officer [REDACTED] did so, [REDACTED] was not utilizing cover.

The UOFRB noted, initially Officer [REDACTED] was in foot pursuit of Tovar and, as [REDACTED] did so, [REDACTED] utilized vehicles parked along the west curb on Fickett Street. However, after conducting a wide turn onto Malabar Street to avoid a possible ambush by Tovar, [REDACTED] path of travel left [REDACTED] running in the middle of Malabar Street without cover. Officer [REDACTED] maintained [REDACTED] position in the middle of the street and no longer used the benefit of cover provided by vehicles parked along the south curb of Malabar Street. The UOFRB noted Officer [REDACTED], after transitioning from Fickett Street to Malabar Street, had ample time to redeploy to a position of cover.

Officer [REDACTED] exited [REDACTED] vehicle and walked up to Officer [REDACTED], who was lying on the ground in the center of Malabar Street, west of Fickett Street. Officer [REDACTED] was unable to ascertain Tovar's location. While standing near Officer [REDACTED], Officer [REDACTED] heard a noise coming from the south sidewalk, nearby. Officer [REDACTED] walked to the south curb, near [REDACTED], and observed Tovar lying on the sidewalk. Officer [REDACTED] began giving commands to Tovar and ordered [REDACTED] not to move. Officer [REDACTED] observed Tovar's handgun within his (Tovar's) reach. While waiting for backup units to arrive, Officer [REDACTED] stood behind the front right bumper of a Chevy sport utility vehicle which was parked on the south curb. Officer [REDACTED] moved onto the south sidewalk where [REDACTED] stayed until backup officers arrived. Officer [REDACTED] did not utilize cover as [REDACTED] stood on the sidewalk near Tovar.

The UOFRB noted Officer [REDACTED], observed Tovar lying on the south sidewalk of Malabar Street. Officer [REDACTED] stood behind a Chevrolet sport utility vehicle parked on the south curb. After broadcasting [REDACTED] location and providing information regarding the OIS, Officer [REDACTED] left [REDACTED] position of cover and walked towards the sidewalk and Tovar. After approaching the sidewalk and monitoring Tovar, Officer [REDACTED] stated [REDACTED] was switching between watching Tovar as well as Officer [REDACTED], who was directly behind [REDACTED]. The UOFRB considered Officer [REDACTED] lack of cover, the presence of Tovar's handgun, and [REDACTED] actions of monitoring Tovar while also attempting to monitor Officer [REDACTED]. The UOFRB determined these circumstances increased the danger of the situation. Officer [REDACTED] situation could have been improved had [REDACTED] utilized cover while monitoring Tovar.

In this case, I would have preferred that once Officer [REDACTED] recognized that Officer [REDACTED] had been struck by gunfire, [REDACTED] should have remained with [REDACTED] and assisted by repositioning [REDACTED] to a place of cover. Officers should always be reminded that officer safety is of the utmost importance and rendering aid is priority over the apprehension of an outstanding suspect.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers [REDACTED] and [REDACTED] actions were a substantial deviation, without justification, from approved Department tactical training. To enhance their future tactical performance, I will direct that this topic be discussed during the Tactical Debrief.

ADDITIONAL TACTICAL DEBRIEF TOPICS

Tactical Communication/Planning – Officer [REDACTED] exited [REDACTED] passenger side of the vehicle and stated [REDACTED] intended to conduct a pedestrian stop on Tovar. However, Officer [REDACTED] stated [REDACTED] and Officer [REDACTED] did not intend on conducting a pedestrian stop on Tovar at the time. Additionally, after Officer [REDACTED] alerted [REDACTED] partner to the presence of Tovar, Officer [REDACTED] did not discuss a plan with Officer [REDACTED], but instead ran after Tovar without notifying Officer [REDACTED]. I will direct that this topic be discussed during the Tactical Debrief.

Foot Pursuit Broadcast – Officer [REDACTED] exited [REDACTED] police vehicle and observed Tovar was approximately ten feet away from [REDACTED]. Tovar immediately ran away along the west sidewalk, in a northerly direction and Officer [REDACTED] ordered Tovar to stop. After observing Tovar continue to run, Officer [REDACTED] gave chase and ran after Tovar, on foot, in a northerly direction. Officer [REDACTED] drove [REDACTED] police vehicle in reverse in the direction of Officer [REDACTED]. Neither officer broadcasted to CD that Officer [REDACTED] was in foot pursuit of Tovar. I will direct that this topic be discussed during the Tactical Debrief.

Separation/Foot Pursuit Tactics – As Officer [REDACTED] ran after Tovar, Officer [REDACTED] placed [REDACTED] stopped vehicle in reverse and drove northbound on Fickett Street. Officer [REDACTED] maintained a visual of Officer [REDACTED] during Officer [REDACTED]'s foot pursuit of Tovar. Once Officer [REDACTED] ran west on Malabar Street, from Fickett Street, Officer [REDACTED] conducted an "L-turn". Officer [REDACTED] did so by driving in reverse in a northerly direction on Fickett Street, then in an easterly direction onto Malabar Street, all while maintaining a visual on Officer [REDACTED]. Officer [REDACTED] was not able to see Tovar at that point and did not see Tovar firing his handgun at Officer [REDACTED]. Officer [REDACTED] observed Officer [REDACTED] firing [REDACTED] service

pistol in a southwesterly direction and fall to the ground. Officer [REDACTED] placed [REDACTED] vehicle in park, approximately 2 vehicle lengths away from Officer [REDACTED], and exited to approach Officer [REDACTED].

During this incident, Officer [REDACTED] had utilized [REDACTED] vehicle in attempt to parallel Officer [REDACTED], for a portion of the foot pursuit on Fickett Street, and, while doing so, placed [REDACTED] at a distance that was too lengthy to immediately render aid or to engage in the tactical situation with Officer [REDACTED]. The FID investigation determine Officer [REDACTED] ran a total distance of 280 feet in approximately 16 seconds. During the entirety of that distance, Officer [REDACTED] was in [REDACTED] vehicle. From the time, Officer [REDACTED] stopped [REDACTED] vehicle, immediately before Officer [REDACTED] began running, to the point that Officer [REDACTED] stopped [REDACTED] vehicle on Malabar Street to approach an already shot and fallen Officer [REDACTED], approximately twenty seconds passed. I will direct that this topic be discussed during the Tactical Debrief.

Searches of Arrestees – Officers [REDACTED] and [REDACTED] each simultaneously searched an opposite side of Tovar, before placing him in the back of a black and white police vehicle for transportation. Officer [REDACTED] searched Tovar's left side while Officer [REDACTED] searched Tovar's right side. Officers are reminded of the importance of thorough searches and the increased possibility of overlooking potential weapons when multiple officers simultaneously conduct a search of an arrestee. I will direct that this topic be discussed during the Tactical Debrief.

COMMAND AND CONTROL

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).

Sergeant [REDACTED] drove to the location of OIS upon hearing the help call broadcast by Officer [REDACTED], with Sergeant [REDACTED] as [REDACTED] passenger, from Hollenbeck CPS. Sergeants [REDACTED] and [REDACTED] were the first supervisors to arrive at scene. While enroute to the location, [REDACTED] discussed, with Sergeant [REDACTED], actions [REDACTED] would need to take once they arrived. Sergeant [REDACTED] discussed separation, medical treatment for Officer [REDACTED], and a crime scene set up. Sergeant [REDACTED] arrived and approached Officer [REDACTED]. Sergeant [REDACTED] verified that Officer [REDACTED] was being transported immediately. Sergeant [REDACTED] ordered Officer [REDACTED] to have Tovar turn onto his stomach. Sergeant [REDACTED] assigned Officers [REDACTED], [REDACTED], and [REDACTED] as the arrest team. Sergeant [REDACTED] provided oversight as Tovar was taken into custody. Once the arrest was completed, Sergeant [REDACTED] directed Sergeant [REDACTED] to separate and monitor

Officer [REDACTED]. Sergeant [REDACTED] ordered Sergeant [REDACTED] to take Officer [REDACTED]'s PSS. Sergeant [REDACTED] ordered Sergeant [REDACTED] to respond to LAC+USC Medical Center to take Officer [REDACTED]'s PSS. Sergeant [REDACTED] began establishing a CP. Sergeant [REDACTED] verified there were no outstanding suspects and directed uninvolved officers to establish an inner and outer crime scene.

The UOFRB noted Sergeant [REDACTED]'s active involvement immediately upon arrival. Sergeant [REDACTED] dealt with high priority issues first, such as ensuring Officer [REDACTED] was receiving medical transportation and forming an arrest team to approach Tovar. Sergeant [REDACTED] also ensured involved officers were immediately separated and monitored while uninvolved officers and sergeants performed important duties such as canvassing for witnesses and ensuring there were no other shooting victims nearby.

The actions of Sergeant [REDACTED] were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant [REDACTED] arrived with Sergeant [REDACTED] and walked over to Officer [REDACTED] and Tovar. Sergeant [REDACTED] observed Tovar being taken into custody. Immediately after Officer [REDACTED] completed handcuffing Tovar, Sergeant [REDACTED] separated [REDACTED] from the other officers and took [REDACTED] PSS.

The UOFRB noted Sergeant [REDACTED] immediately began looking for additional suspects but returned to assist in the separation and monitoring of involved officers. Sergeant [REDACTED] filled the gaps as Sergeant [REDACTED] was performing [REDACTED] duties as an IC. The UOFRB noted Sergeant [REDACTED]'s work in conjunction with Sergeant [REDACTED] was effective teamwork which provided well-rounded command and control at scene.

The actions of Sergeant [REDACTED] were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant [REDACTED] assisted Sergeant [REDACTED] by setting up the crime scene. Sergeant [REDACTED] directed Sergeant [REDACTED] to act as operations officer at the CP.

The actions of Sergeant [REDACTED] were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant [REDACTED] met with Officer [REDACTED] and monitored [REDACTED] at LAC+USC Medical Center. Sergeant [REDACTED] took custody of Officer [REDACTED]'s BWV device. Sergeant [REDACTED] took Officer [REDACTED]'s PSS and continued to monitor [REDACTED].

The actions of Sergeant [REDACTED] were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant [REDACTED] notified the DOC of the Categorical Use of Force at 1937 hours.

The actions of Sergeant [REDACTED] were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Lieutenant [REDACTED] responded from Hollenbeck CPS after hearing the help call. After arriving, [REDACTED] declared [REDACTED] as the IC over Hollenbeck Base Frequency. Lieutenant [REDACTED] shadowed Sergeant [REDACTED] and, in between Sergeant [REDACTED]'s broadcasts, Lieutenant [REDACTED] asked [REDACTED] which officers were involved in the OIS to gather additional details. Lieutenant [REDACTED] observed an unruly crowd forming nearby. Lieutenant [REDACTED] assigned officers to the outer perimeter to ensure the crowd did not tamper with evidence. Lieutenant [REDACTED] assigned Detective [REDACTED] and Sergeant [REDACTED] to assist with the setup and management the CP. Lieutenant [REDACTED] tasked Sergeant [REDACTED] with canvassing the location to identify witnesses. Lieutenant [REDACTED] determined the general direction of Officer [REDACTED] and Tovar's bullet path. Lieutenant [REDACTED] directed officers to canvass the area to ensure there were no other shooting victims. Lieutenant [REDACTED] maintained telephonic communication with Sergeant [REDACTED] to relay pertinent information.

The actions of Lieutenant [REDACTED] were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant [REDACTED] took over monitoring responsibilities of Officers [REDACTED] and [REDACTED]. Sergeant [REDACTED] transported Officers [REDACTED], [REDACTED] and [REDACTED] to Hollenbeck CPS.

The actions of Sergeant [REDACTED] were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations. The investigation revealed Sergeants [REDACTED] and [REDACTED] arrived prior to the Non-Lethal Use of Force. Officers [REDACTED], [REDACTED], and [REDACTED] approached Tovar to take him into custody. Sergeants [REDACTED] and [REDACTED] handled the entire tactical situation, which involved not only taking Tovar into custody, but also setting up a perimeter, keeping residents away from evidence, ensuring Officer [REDACTED] was transported, and canvassing for other possible shooting victims. As Sergeants [REDACTED] and [REDACTED] were completing these tasks, the Non-Lethal Use of Force occurred.

The UOFRB noted Sergeants [REDACTED] and [REDACTED] did not have a direct view of the Non-Lethal Use of Force and, according to their BWV footage, were not directly facing Officer [REDACTED] at the time it appeared Officer [REDACTED] placed [REDACTED] shin on or over Tovar's face.

The UOFRB noted all the supervisors responded after the OIS had occurred and completed their assigned tasks while maintaining effective command and control over the incident. The actions of Sergeants [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and Lieutenant [REDACTED] were consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

TACTICAL DEBRIEF

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officers [REDACTED] and [REDACTED]'s tactics substantially deviated from approved Department tactical training.

The UOFRB determined, and I concur, that Sergeants [REDACTED] and [REDACTED] along with Officers [REDACTED] and [REDACTED]'s tactics did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Sergeants [REDACTED] and [REDACTED], Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED] attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force.

DRAWING/EXHIBITING

Officer [REDACTED]

First Occurrence

According to Officer [REDACTED], as [REDACTED] ran after Tovar in a westerly direction of Malabar Street, [REDACTED] observed Tovar stop and make eye contact with [REDACTED]. Officer [REDACTED] observed Tovar reach into his waistband and produce a black object in his hand. Officer [REDACTED] heard gunshots and observed muzzle flashes. Officer [REDACTED] realized Tovar had shot at [REDACTED], [REDACTED] felt immense pain and could not use [REDACTED] left arm. Officer [REDACTED] utilized [REDACTED] right hand to draw [REDACTED] service pistol from the holster on the right side of [REDACTED] duty belt.

Officer [REDACTED] recalled,

And he stopped and we made eye contact. And then he started reaching toward his waistband... next thing you know I hear two rounds. It's very dark... he's faced towards me and I see a, just a black—a black object in his hand. And I knew at that point, after I hear the gunshots and the muzzle flash, that he was shooting at me. And then I realize I was hit in the arm. I felt a lot of blood. [REDACTED]

The—at one—the point that I unholstered my weapon is when I realized that the suspect was firing at me... To my recollection, it wasn't until I realized I was getting shot at. [REDACTED]

...by the time, I realized I'm getting fired at or shot at, and my—my left arm became-- I couldn't use my left arm because of the immense pain, I didn't know the condition of what -- if I guess the condition of how bad it was, but at that point, I couldn't even lift my left arm, and so I only fired with just my one hand. [REDACTED]

When asked by FID Detectives which hand, [REDACTED] used to draw [REDACTED] service pistol, Officer [REDACTED] stated, "My right hand." [REDACTED]

Second Occurrence

According to Officer [REDACTED], [REDACTED] was laying on [REDACTED] back in the middle of Malabar Street. As Officer [REDACTED] left [REDACTED] to approach Tovar, Officer [REDACTED] observed a large crowd forming. Officer [REDACTED] believed the group had come from a known gang residence. Officer [REDACTED] was unsure if the group was going to attack [REDACTED] and execute [REDACTED] as [REDACTED] laid on the ground. Officer [REDACTED] drew [REDACTED] service pistol again and ordered the group to get back.

[REDACTED]

Officer [REDACTED] recalled,

I unholstered again because I saw a large group from this location I've been talking about, [REDACTED] saw this large group coming at me. I don't know if they were going to attack me, and I don't know if they're going to attack my partner because my partner was occupied with a suspect with a firearm and had [REDACTED] back towards this [REDACTED] so I unholstered in the case that it's going to be something where they're going to try and executing me or trying to lynch the suspect from my partner or hit [REDACTED] over the head. I unholstered at that point and I warned them to, to get back. [REDACTED]

I had it pointed at a low- ready. I mean, I was already on the ground laying on my back, but I had it at a low ready at the crowd that was coming. It wasn't pointed. [REDACTED]

Officer [REDACTED]

According to Officer [REDACTED], [REDACTED] exited after stopping [REDACTED] police vehicle. As Officer [REDACTED] got closer to Officer [REDACTED], [REDACTED] drew [REDACTED] service pistol to provide cover for Officer [REDACTED]. Officer [REDACTED] approached Officer [REDACTED] while trying to pan from left to right, as far as the south side all the way to the southwest side of the street to see if Tovar had a position of advantage to ambush them. Officer [REDACTED] asked Officer [REDACTED] if [REDACTED] knew where Tovar was located but did not receive a response. Officer [REDACTED] then heard a sound coming from a southwest direction. Officer [REDACTED] approached the southwest curb and observed Tovar on the ground. Officer [REDACTED] utilized a Harries technique and activated [REDACTED] flashlight to illuminate Tovar. Officer [REDACTED] utilized [REDACTED] right thumb to pull back the hammer of [REDACTED] double action service pistol and cocked it in the event Tovar got up quickly and Officer [REDACTED] needed to be ready to take one precise shot.

Officer [REDACTED] recalled,

I heard the first series of shots, I immediately saw my partner return fire...I got out of the car, got close to my partner to see how [REDACTED] was doing... [REDACTED] was just moaning in pain... I heard a sound in the southwest direction where the suspect was at. [REDACTED]

I just wanted to make sure like, okay, you know, I should cover down this location just in case and [REDACTED] returns to cover fire if this guy is still there. So, it was at the point where I got close to my partner where I drew my firearm. [REDACTED]

I had my flashlight out to just illuminate the location and see him, make sure wasn't moving. So, I acquired at the Harries technique. [REDACTED]

[REDACTED]

The UOFRB considered that Officer [REDACTED] was alone with Tovar, who had just shot Officer [REDACTED]. Officer [REDACTED] had observed Tovar's handgun, which was still within Tovar's reach. Officer [REDACTED] pulled back the hammer of [REDACTED] service pistol with [REDACTED] thumb in the event [REDACTED] needed to take a precise shot at Tovar if Tovar to attempt to arm himself and fire at Officer [REDACTED]. The UOFRB determined Officer [REDACTED]'s actions were reasonable due to the extent of the threat which Tovar presented.

Officers [REDACTED] and [REDACTED] heard that shots had been fired during the help call while enroute. Officers [REDACTED] and [REDACTED] arrived after the OIS but knew a deadly threat was possibly still present upon their arrival. Officer [REDACTED] drew [REDACTED] service pistol a second time when a crowd appeared to form and approach [REDACTED]. The UOFRB noted Officer [REDACTED] verbalized a warning with the crowd, which proved to be effective.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED]'s, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified. Therefore, I find Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED]'s Drawing/Exhibiting to be In Policy, No Further Action.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*

- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

NON-LETHAL USE OF FORCE

Officer [REDACTED] – Bodyweight, Firm Grip

According to Officer [REDACTED], [REDACTED] maintained [REDACTED] position and monitored Tovar until responding units arrived and an arrest team was formed. As soon as Officer [REDACTED] felt [REDACTED] had enough officers for an arrest team, which consisted of Officers [REDACTED] and [REDACTED], Officer [REDACTED] began [REDACTED] approach to take Tovar into custody. Officers [REDACTED] and [REDACTED] approached with Officer [REDACTED]. Officer [REDACTED] ordered Tovar to get onto his stomach, but Tovar did not comply. Officer [REDACTED] holstered [REDACTED] service pistol and approached Tovar to handcuff him. Officer [REDACTED] knelt and placed [REDACTED] left knee on Tovar's upper back while [REDACTED] right knee was on Tovar's upper shoulder blade. Officer [REDACTED] utilized a firm grip with both hands to take hold of Tovar's right arm and move his arm and body off the wall. Officer [REDACTED] took hold of Tovar's right wrist, with both hands, and placed it behind Tovar's. Officer [REDACTED] applied a handcuff with [REDACTED] right hand onto Tovar's right wrist.

Officer [REDACTED] recalled,

I grabbed his right arm and just tried to put a handcuff on...his left arm was still in a position that was awkward. So, that's where we tried to move his body down from this—it looked like a small little wall... to move in this position where we can handcuff him to where we weren't going to injure him. [REDACTED]

I would just consider it him being uncomfortable and in pain as far as us trying to readjust and acquire those handcuffs on his wrist and put it behind his back. And it was based on the positioning that he was in, him being pinned up against the wall. We asked him to move himself, and he did not. [REDACTED]

[REDACTED]

He just did not move at all. So, we had to acquire certain different kind of angles and have -- when he to move him physically off that wall to gain compliance where we had to move his arm, his left arm behind his back. ■

I remember placing my left knee on the upper part of his back and getting a hold of his right wrist and then bringing it over behind his back to where I can apply my handcuff with my right hand. ■

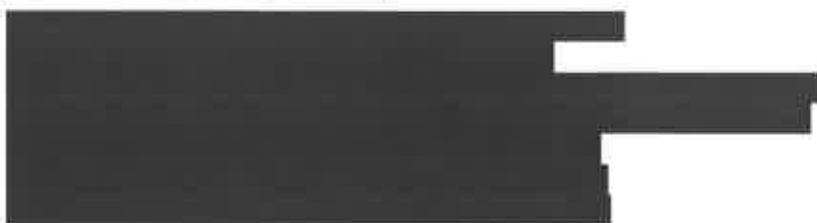
I don't believe there was a use of force. I think he was in a position where he was in an awkward position the way he was laying. We told him to get on his, on his face, on his stomach, and he didn't. I grabbed his right arm and, and just tried to put a handcuff on. And his left arm was still in a position that was awkward. ■

...he was kind of still awkwardly laying on, on a wall, so with the help of Officer ■ we could move his body downward off that wall and, and flip his left hand to the small of his back, but I don't remember grabbing his hand. Maybe it was either me or Officer ■ that helped assist him do that. And that's what had caused some pain to him where we pulled him off that wall and moved his arm back. ■

I recall it being on the upper part of his, of his back area. And I also remember that the suspect was kind of in discomfort. Maybe some pain as far as the way his arm was positioned and was, was moving for that reason underneath me to where I remember kind of losing balance and having to adjust and acquire a better platform on top of him, and, having to put one of my hands on the wall that was right above him just to, to maintain balance on top of the suspect who was moving underneath me. ■

...I could have had my knee slip to the upper part of his back, maybe neck area, but it's because of the suspect's movements I had to reacquire some more balance. ■

When asked by FID investigators if ■ intentionally placed ■ leg on Tovar's neck or head area, Officer ■ stated, "No, I did not. I remember it was dark as far as first approaching, but I remember putting it on the top part --top part of his head. And I know that I was trying to gain stability from his movements and his moving underneath me, so I could have had my knee slip to the upper part of his back, maybe neck area, but it's because of the suspect's movements I had to reacquire some more balance." ■



When shown a still photograph of Officer [REDACTED] attempting to take Tovar into custody, Officer [REDACTED] replied, "So in this picture, it seems like I already had lost some balance on my platform on the suspect. So, it looks like I'm trying to gain balance by putting my right hand on --on the wall that's right above the suspect, because I remember I kind of lost balance while being on top of him and his movements." [REDACTED]

Officer [REDACTED] – Bodyweight, firm grip

According to Officer [REDACTED], [REDACTED] observed Officer [REDACTED] struggling to take Tovar into custody. Officer [REDACTED] utilized bodyweight and placed [REDACTED] knees on Tovar's lower back. Officer [REDACTED] utilized a firm grip with [REDACTED] left hand to grab Tovar's left hand and connect it to the handcuff being applied by [REDACTED].

Officer [REDACTED] recalled,

[REDACTED] moves to reach for his left arm. I see that [REDACTED]'s having a hard time. Well, not a hard time, but [REDACTED]'s not able to pull his, his left arm back [REDACTED]

That's when I get on his – his lower back and I grabbed his right hand from the handcuff in between both cuffs. Then Officer [REDACTED] pulls back his left arm... And I'm able to also grab it and handcuff him, handcuff his left arm. [REDACTED]

Officer [REDACTED] – Bodyweight

According to Officer [REDACTED], [REDACTED] utilized [REDACTED] bodyweight and placed [REDACTED] right lower leg onto Tovar's lower legs. Officer [REDACTED] began searching Tovar's waistband for additional weapons.

Officer [REDACTED] recalled,

I just put my right—my right lower leg on both of his legs. I mean, my leg is big, so I could hold both legs down with my body. That's with me using my bodyweight. [REDACTED]

According to Officer [REDACTED], after Tovar was taken into custody, Tovar continued to put his feet together as Officer [REDACTED] was searching a second time, prior to placing Tovar in the backseat of the police vehicle. Officer [REDACTED] ordered Tovar to keep his legs apart as he conducted his search. Tovar continued to place his feet together. Officer [REDACTED] placed [REDACTED] left leg in between Tovar's legs to prevent him from placing his feet together again. While doing so, Officer [REDACTED] accidentally stepped on Tovar's foot.

[REDACTED]

Officer [REDACTED] recalled,

I kept telling him to keep his legs spread, and then he kept putting is legs together. And at that time, I put my leg in between his legs to keep him from not putting his legs together. And that's when I accidentally stepped on his foot. [REDACTED]

As Officers [REDACTED], [REDACTED], and [REDACTED] approached Tovar to take him into custody, it was noted Tovar's body positioning in relation to the wall he had laid next to on the south sidewalk. Tovar's left arm and left side was partially on the wall while his right side and arm were on the ground. Tovar's arm appeared to be pinned against the wall and did not follow officer's direction to lie on his stomach. The officers had to move his arm off the wall and behind his back with firm grips. Additionally, it was noted, Tovar complained of pain to his arm while being taken into custody and not pain to his head or neck area. The officers used the minimal amount of force required to take Tovar into custody, while using firm grips and bodyweight to place his hands behind his back and handcuff him.

During the UOFRB presentation it was noted 30 seconds passed from the time Officer [REDACTED] knelt onto Tovar's back until the time [REDACTED] stood up, after handcuffing Tovar. During these 30 seconds, it appeared Office [REDACTED] right shin appeared to be over or on Tovar's face, on the right side. The UOFRB closely examined the BWV of the officers involved. The UOFRB noted that Officer [REDACTED] BWV shows a point when Officer [REDACTED] stands up after having handcuffed Tovar. The UOFRB noted Tovar's head did not move at all when this occurred. The UOFRB opined that had Officer [REDACTED] been placing [REDACTED] bodyweight via [REDACTED] shin on Tovar's face, Tovar's head would have been affected, as evident by movement, when Officer [REDACTED] stood up. Additionally, the UOFRB noted that during the time which appeared to show Officer [REDACTED] shin on Tovar's face, Tovar was not complaining about pain to his head but rather to his arm. Tovar did not complain about his head or neck at the time of the Non-Lethal Use of Force.

The UOFRB determined Officer [REDACTED] was not applying pressure with [REDACTED] bodyweight onto Tovar's head or neck area as evident by many factors. First, Officer [REDACTED] right knee can be seen on Tovar's upper shoulder blade. Officer [REDACTED] right foot appears arched with the toe portion of [REDACTED] boot on the ground. This positioning caused the UOFRB to determine that Officer [REDACTED] right shin crossed over the area of Tovar's face, [REDACTED] did not apply pressure to it. The UOFRB determined Officer [REDACTED] use of non-lethal force in utilizing firm grips to handcuff Tovar, as well as body weight, were reasonable given Tovar was not complying with the officer's commands as well as [REDACTED] actions of trying to "buck" off the officers with his body. Additionally, Officer [REDACTED] observed Tovar resisting Officer [REDACTED]. Officer [REDACTED] assisted Officer [REDACTED] with the use of bodyweight to take Tovar into custody. Officer [REDACTED] utilized [REDACTED] lower legs to apply bodyweight to Tovar to assist in controlling his movement so Officer [REDACTED] could complete handcuffing Tovar.

[REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED], [REDACTED], and [REDACTED], while faced with similar circumstances, would reasonably believe that this same application of non-lethal force would be reasonable to overcome Tovar's resistance.

Therefore, I find Officers [REDACTED], [REDACTED], and [REDACTED] Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

LETHAL USE OF FORCE

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

Officer [REDACTED] – 9mm, 5 rounds, in a southwesterly from approximately 34 feet

According to Officer [REDACTED] realized [REDACTED] was being shot at and had got hit by a gunshot. Officer [REDACTED] felt a lot of blood. Officer [REDACTED] wanted to make Tovar stop shooting at [REDACTED]. Officer [REDACTED] saw Tovar's face and acquired a target of Tovar's center body mass. Officer [REDACTED] acquired a shooting stance and with [REDACTED] right hand and punched out [REDACTED] service pistol. Officer [REDACTED] fired approximately three to four rounds from [REDACTED] service pistol in a consecutive manner, from an approximate distance of thirty to forty feet, while assessing between rounds.

Officer [REDACTED] recalled,

I was being shot at, and I got, I got hit by a gunshot, by a bullet. I could see him. I saw his face and I acquired a target, and I, I tried to put down the rounds to make him stop shooting at me.⁴³

And we're looking at each other after he took a shooting stance. I don't know if it's two hands or one hand. Again, it's dark, but I knew he had his stance that --with the gun in his hand, looking directly at me. And he wasn't over his shoulder. I knew he had stopped because there was no way he was running like this. I knew he had stopped and took a

[REDACTED]

shooting stance towards me.... I tried to, in a sense, punch --punch out as best as I could. That way we were taught, if we were to shoot with one hand, kind of just punch out and get as best of a shooting stance as I could.

I shot approximately three, three to four times, shooting at him because he was shooting at me.

Id' say approximately 20 to—no, 30 to 40 feet...My target was...center body mass... They were --they were consecutive with --I guess it was consecutive, but there was some assessment in between. Those five, now, I believe were ineffective. Three to --however many rounds -- however many of my rounds, I didn't see if he --he wasn't --it was ineffective, and so that's why from each assessment. It was assessing as- as I was shooting.

In this case, the UOFRB assessed the reasonableness of Officer [REDACTED] use of lethal force. The UOFRB noted Officer [REDACTED] attempts at de-escalation with Tovar. Officer [REDACTED] had identified [REDACTED] as a police officer and ordered Tovar to stop despite his search and seizure probation conditions. Officer [REDACTED], while in pursuit of Tovar did not draw [REDACTED] service pistol until after being shot by Tovar and did not escalate the incident by doing so prematurely. The UOFRB noted Tovar's actions initiated the incident drastically. Tovar responded to Officer [REDACTED] order by saying "Fuck you" then running away. Tovar also stopped and turned to face Officer [REDACTED]. Tovar produced a handgun and fired at Officer [REDACTED], firing numerous rounds at [REDACTED]. In defense of [REDACTED] own life, Officer [REDACTED] fired to stop the deadly threat which Tovar presented. Due to Tovar's aggressive actions during the incident, as well as [REDACTED] deadly actions, the UOFRB determined an officer with similar training and experience would respond in the same manner as Officer [REDACTED] and that [REDACTED] actions were reasonable.

The UOFRB also noted, that Officer [REDACTED], in response to the imminent deadly threat, discharged five rounds from his service pistol.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED], would reasonably believe Tovar's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer [REDACTED] Use of Lethal Force to be In Policy, No Further Action.

ADDITIONAL/EQUIPMENT

Required Equipment – Officer [REDACTED] and [REDACTED] left their Side Handle Baton's in their police vehicle during their interaction with Tovar. This issue was brought to the attention of Captain [REDACTED], Serial No. [REDACTED] Commanding Officer, Hollenbeck Patrol Division, who

[REDACTED]

advised this issue was addressed through divisional training. The Commanding Officer of Operations – Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action necessary.

Profanity – While Officer [REDACTED] waited for back up units to arrive, Officer [REDACTED] held [REDACTED] service pistol at a low ready while [REDACTED] watched Tovar, who was on the sidewalk. Officer [REDACTED] stated, “Don’t fuckin move you asshole.” This issue was brought to the attention of Captain [REDACTED] who advised Officer [REDACTED] received divisional training. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary

Officer [REDACTED] utilized profanity when speaking to a group of unknown persons approaching [REDACTED] as [REDACTED] was on the ground, after being shot. Officer [REDACTED] stated “hey you guys better back the fuck up. Back the fuck up right now.” This issue was brought to the attention of Captain [REDACTED] who advised Officer [REDACTED] actions were reasonable due to the seriousness of Tovar’s aggressive and deadly actions therefore no corrective action was taken. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary.

Officer [REDACTED] utilized profanity when speaking to Tovar. Tovar continued to close his legs and move around as Officers [REDACTED] and [REDACTED] had custody of him, Officer [REDACTED] stated to Tovar, “Stop fucking moving.” This issue was brought to the attention of Captain [REDACTED] who advised Officer [REDACTED] received divisional training. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary.

Preservation of Evidence – Officer [REDACTED] arrived at the OIS location and ran to meet Officers [REDACTED], [REDACTED], and [REDACTED] who were standing near Tovar. Officer [REDACTED] observed Tovar laying on the ground with a handgun approximately five feet away from [REDACTED] reach. Officer [REDACTED] used [REDACTED] right foot to kick Tovar’s handgun to Officer [REDACTED] left. Officer [REDACTED] then picked up Tovar’s handgun and placed it on the ground, approximately three feet north of its original location. This issue was brought to the attention of Captain [REDACTED] who advised these issues were addressed through divisional training. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary.

Medical Treatment - Requesting Rescue Ambulance – Tovar had an abrasion on the right side of his forehead. Officers [REDACTED] and [REDACTED] did not request a rescue ambulance (RA) for a medical evaluation of Tovar’s injury. This issue was brought to the attention of Captain [REDACTED] who advised Officers [REDACTED] and [REDACTED] received divisional training. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary.

Body Worn Video – Officer [REDACTED] observed Tovar walking eastbound out of the east/west alley on Fickett Street, directly south of 621 Fickett Street. Officer [REDACTED] exited [REDACTED] police vehicle to conduct a pedestrian stop on Tovar. Officer [REDACTED] did not activate [REDACTED] BWV prior to exiting [REDACTED] vehicle. Additionally, Officer [REDACTED] engaged in a foot pursuit to apprehend Tovar. Officer [REDACTED] did not activate [REDACTED] BWV during the foot pursuit. Officer [REDACTED] activated [REDACTED] BWV device after being shot by Tovar and falling to the ground, approximately 13 seconds after the OIS, resulting in a late activation. Captain [REDACTED] who advised this deviation from Department policy was addressed through the generation of a Supervisor Action Item (SAI), and an Informal Meeting. The Commanding Officer of OCB, and the Director of OO, concurred with this action. As such, I deem no further action is necessary.

Officer [REDACTED] located Tovar on the south sidewalk, near 2446 Malabar Street. Officer [REDACTED] activated [REDACTED] BWV device, approximately 51 seconds after the OIS, resulting in a late activation. Captain [REDACTED] who advised this deviation from Department policy was addressed through the generation of a SAI and an Informal Meeting. The Commanding Officer of OCB, and the Director of OO, concurred with this action. As such, I deem no further action is necessary.

The FID investigation revealed that Sergeants [REDACTED], [REDACTED], and Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were at their respective Community Police Stations (CPS) prior to activating their BWV and responding to the help call. As a result, they have less than a two-minute buffer.

The following personnel had less than two-minute buffer times and/or conducted in-field power-offs at scene:

The investigation revealed Sergeant [REDACTED] and Officers [REDACTED], and [REDACTED] did not have a full two-minute buffer for their BWV device. An analysis by Hollenbeck Division determined Sergeant [REDACTED] and Officers [REDACTED], and [REDACTED] had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain [REDACTED] who advised this deviation from Department policy was addressed through the generation of SAIs and Informal Meetings. The Commanding Officer of OCB, and the Director of OO, concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officer [REDACTED] did not have a full two-minute buffer for [REDACTED] BWV device. An analysis by Hollenbeck Division determined Officer [REDACTED] had no prior BWV non-compliance incidents. The Office of Operations conducted a random inspection of BWV's associated to Officer [REDACTED] in March 2020 for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer [REDACTED] had one deviation in BWV policy. Officer [REDACTED] separated from the Department on April 2, 2020, and no corrective action was able to be imposed. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officer [REDACTED] did not have a full two-minute buffer for [REDACTED] BWV device. An analysis by Rampart Division determined Officer [REDACTED] had three prior BWV non-compliance incidents. The issue was brought to the attention of Captain [REDACTED], Serial No. [REDACTED] Commanding Officer, Rampart Patrol Division, who advised this deviation

from Department policy was addressed through the generation of a SAI and a Notice to Correct Deficiencies. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officer [REDACTED] did not have a full two-minute buffer for [REDACTED] BWV device. An analysis by Rampart Division determined Officer [REDACTED] had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain [REDACTED] who advised this deviation from Department policy was addressed through the generation of a SAI and an Informal Meeting. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Sergeants [REDACTED] and [REDACTED] and Officers [REDACTED] and [REDACTED] did not have a full two-minute buffer for their BWV devices. An analysis by Northeast Division determined Sergeants [REDACTED] and [REDACTED] and Officers [REDACTED] and [REDACTED] had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain [REDACTED] Serial No. [REDACTED] Commanding Officer, Northeast Area, who advised this deviation from Department policy was addressed through the generation of SAIs and Informal Meetings. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officers [REDACTED] and [REDACTED] did not have a full two-minute buffer for their BWV devices. An analysis by Northeast Division determined both Officers [REDACTED] and [REDACTED] had two prior BWV non-compliance incidents. The issue was brought to the attention of Captain [REDACTED] who advised this deviation from Department policy was addressed through the generation of SAIs and the issuance of Employee Comment Sheets. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officers [REDACTED] and [REDACTED] did not have a full two-minute buffer for their BWV devices. An analysis by Central Division determined both Officers [REDACTED] and Valencia had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain [REDACTED], Serial No. [REDACTED] Commanding Officer, Central Area, who advised this deviation from Department policy was addressed through the generation of SAIs and Informal Meetings. The Commanding Officer of OCB, and the Director of OO, concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officer [REDACTED] did not have a full two-minute buffer for [REDACTED] BWV device. An analysis by Newton Division determined Officer [REDACTED] had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain [REDACTED] Serial No. [REDACTED] Commanding Officer, Newton Area, who advised this deviation from Department policy was addressed through the generation of a SAI and an Informal Meeting. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWV's associated to Sergeants [REDACTED] and Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED] for a 30-day period, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated all were in compliance.

The Office of Operations conducted a random inspection of BWV's associated to Officers [REDACTED] and [REDACTED] from June 30, 2020 through July 29, 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer [REDACTED] had three deviations in Department BWV policy and both Officer [REDACTED] and [REDACTED] had one deviation in Department BWV policy. Officer [REDACTED] deviations from Department policy were addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. Officer [REDACTED] and [REDACTED] deviations were addressed through the generation of SAIs and Informal Meetings. The Commanding Officer of OCB and the Director of OO concurred with this action.

The Office of Operations conducted a random inspection of BWV's associated to Officer [REDACTED] from April 2020 through June 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer [REDACTED] had five deviations in Department BWV policy. These deviations from Department policy were addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OCB and the Director of OO concurred with this action.

On-Going BWV Audits: With respect to Hollenbeck Patrol Division Officers [REDACTED] and [REDACTED], and Central Patrol Division Officer [REDACTED] I have directed the Office of Operations to coordinate continued BWV audits through Operations-Central Bureau for these officers to ensure continued compliance with the BWV policy.

AUDIO/VIDEO RECORDINGS

BWV – The FID investigation revealed there were 56 police officers equipped with BWV responding to the incident, with a total of 68 recordings. Thirty-one of the 68 recordings were relevant to the investigation.

Officers [REDACTED] and [REDACTED] BWV did not capture Tovar firing at Officer [REDACTED]. Officer [REDACTED] BWV captured [REDACTED] response to being shot. Both Officers [REDACTED] and [REDACTED] BWV's were activated post-OIS.

Officer [REDACTED] BWV recording showed a portion of the Non-Lethal Use of Force in which Officer [REDACTED] right shin appears to be over the right side of Tovar's face.

Officers [REDACTED] [REDACTED] BWV showed a portion of the Non-Lethal Use of Force but due to positioning and a lack of lighting, only small portions of the Non-Lethal Use of Force were captured.

Digital In-Car Video System (DICVS) – The FID investigation revealed 36 police vehicles had DICVS which were activated. However, since the OIS occurred prior to responding officers' arrival, their DICVS did not capture the OIS.

Outside Video – The FID investigation revealed there were no outside videos related to this incident.

Respectfully,



MICHEL R. MOORE
Chief of Police

Date: _____

9-29-20